

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

UNITED STATES COURTHOUSE

NEW YORK, NEW YORK 10007

LEWIS A. KAPLAN  
DISTRICT JUDGE

USDC SDNY
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Ms. Catherine O'Hagan Wolfe  
Clerk  
United States Court of Appeals  
for the Second Circuit  
Thurgood Marshall United States Courthouse  
40 Centre Street  
New York, New York 10007

*In re IndyMac Mortgage-Backed Secur. Litig.*  
No. 15-1310

Dear Ms. Wolfe:

This is an appeal by plaintiffs from an order granting in part and denying in part a motion for an award of attorneys' fees and reimbursement of expenses from a common fund created by the settlement of a class action. The appellants have filed their brief. Appellees have indicated that they do not intend to file a brief.

I respectfully suggest that the Court of Appeals could benefit from the filing of a brief and hearing oral argument in support of affirmance. I suggest further that the Court may wish to consider for this purpose the appointment of William B. Rubenstein. Mr. Rubenstein is the Sidley Austin Professor of Law at Harvard Law School and, among other qualifications, since 2008 has been the sole author of *Newberg on Class Actions*. I am informed that Professor Rubenstein would be willing to accept such an appointment.

Very truly yours,

BY HAND

cc: All Counsel (via ECF posting)  
Professor William B. Rubenstein (via mail)

